

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT  
(Period of Disclaimer to be completed by Petitions Examiner)

Docket Number (Optional)

PHLY-24,583

In re Application of: Jeffrey Jovan Philyaw, David Kent Mathews, Brad Maxwell Smith and Paul Scovell Adams  
Name:

Application Number: 09/496,222

Filed: February 1, 2000

For: METHOD FOR INTERFACING SCANNED PRODUCT INFORMATION WITH A  
SOURCE FOR THE PRODUCT OVER A GLOBAL NETWORK

Petitioner, DigitalConvergence.com Inc., is the owner of one hundred percent (100%) interest in the instant application, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on reel 011631, frame 0439 on 6/5/01. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, or prior Patent No. 6,098,106. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/18/01

Date

Reg 30,686

Signature

Gregory Howiso

Typed or printed name and title if applicable

Reg 30,686

Technology Center 2100

JUL 31 2001

RECEIVED



Terminal disclaimer fee under 37 CFR 1.20(d) included.

THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on \_\_\_\_\_, this terminal disclaimer is accepted.  
The period of abandonment specified above has been accepted as equivalent to \_\_\_\_\_ months.

Petitions Examiner